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MALIBU MEDIA, LLC,

Plaintiff,

v.

**JOHN DOE subscriber assigned IP address
69.124.215.14,**

Defendant.

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

Civil Case No. 2:19-cv-04337-DRH-SIL

DECLARATION OF KIMBERLY KERNS

1. I, Kimberly Kerns, am the defendant in the above captioned case, make this Declaration in support of the parties' joint application to permanently leaving "John Doe 69.124.215.14" as the named defendant and permanently sealing certain documents or redacting my real and address from those documents, and have personal knowledge of the facts contained herein.

2. I am the subscriber of the internet account which is referred to in plaintiff's Complaint and Amended Complaint.

3. The copyrighted works alleged to have been downloaded using my account's IP address purportedly occurred at my property in Port Washington, New York, where I and my immediate family do not reside most of the time. During the time period in question, we were not there, although we occasionally permit other family members to stay at that address.

4. Neither my immediate family nor other family member (to the best of my knowledge) ever received a notice from the internet service provider regarding this lawsuit.

5. When we received the Summons and Amended Complaint, this was the first time we were made aware of this lawsuit. I consulted with an attorney the same day.

6. I deny committing any copyright infringement and am unaware of any infringement having taken place using my IP address.

7. Nevertheless, merely being named in this case creates significant complications for me. This because I have a high profile job where I am in charge of communications for a large sports and entertainment arena I have worked at for eighteen (18) years. I also am in charge of all of my employer's charities.

8. If my name is associated with this case and the allegations contained therein (even though they are not true), my reputation will be irreparably tarnished. This is because many people search for or discover my name on the internet. If this case is connected with me in any way, I am at risk of losing my job, and/or would be unable to perform my job successfully. This would greatly inhibit my ability to support my family.

9. This case has been settled among the parties pursuant to a confidential settlement agreement where no one admits fault, subject to defendant complying with certain terms.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June ²⁸ __, 2020


Kimberly Kerns